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9 Attorneys for the Plaintiff
10 ELAINE L. CHAO, Secretary of Labor
11 UNITED STATES DEPARTMENT OF LABOR

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 ELAINE L. CHAO, Secretary of Labor,) Civil Case No. C 08-4854 PJH
15 UNITED STATES DEPARTMENT OF LABOR,)
16 Plaintiff,) **REQUEST/STIPULATION OF**
17 v.) **PARTIES TO CONDUCT CASE**
18 Defendants.) **MANAGEMENT CONFERENCE BY**
19) **TELEPHONE**

20 Pursuant to Local Rules 7-12 and 16-10, the parties hereby request that the Court hold a
21 telephonic Case Management Conference in this matter and permit all counsel to participate in
22 the Case Management Conference by telephone. The Case Management Conference in this case
23 is scheduled for January 29, 2009, at 2:30 p.m., in Courtroom 3, 17th Floor, Federal Building,
24 450 Golden Gate Avenue, San Francisco, California.

25 The fiscal year 2009 budget for the United States Department of Labor has not been
26 passed by Congress and the Department is currently operating under a Continuing Resolution.
27 As a result of the Continuing Resolution and its effect on the Department's ability to fund its
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1 operations, the Department is using its best efforts to manage costs whenever possible, including
2 the costs and expenses associated with federal employee travel.

3 Because of their pre-existing familiarity with the factual issues and with the parties,
4 Defendants retained counsel whose office is in San Diego, California. Defendants must also use
5 their best efforts to manage costs, including those related to travel.

6 Allowing the Case Management Conference to proceed by telephone would allow all
7 parties to avoid the expenses associated with their attorneys traveling to San Francisco for the
8 Case Management Conference. Counsel for the Secretary would be happy to undertake the
9 necessary arrangements for a telephonic Case Management Conference should the Court grant
10 the parties' request.

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13 Dated:

By: Wayne R. Berry
14 Attorney signing

15 WAYNE R. BERRY
16 ROBIN SPRINGER PARRY
17 Attorneys for Plaintiff
18 ELAINE L. CHAO, Secretary of Labor,
19 UNITED STATES DEPARTMENT OF LABOR

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22 Dated:

By: Douglas Dubé
23 Attorney signing

24 A. DANIEL BACALSKI, JR.
25 DOUGLAS A. DUBÉ
26 Attorneys for Defendants
27 ZENITH CAPITAL, LLC., RICK LANE TASKER,
28 MICHAEL GREGORY SMITH, and
MARTEL JED COOPER

THE CASE MANAGEMENT CONFERENCE WILL BE
HELD AT 1:30 P.M. COUNSEL SHALL INITIATE
THE CALL.



1 CERTIFICATE OF SERVICE
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3 I hereby certify that on January 9, 2009 a copy of the foregoing Request/Stipulation Of Parties
4 To Conduct Case Management Conference By Telephone was filed electronically. Pursuant to
5 General Order No. 45, Section IX.A, notice of this filing will be sent to all parties via the Court's
6 electronic filing system. A copy of the foregoing will also be served on A. Daniel Bacalski, Esq.
7 by facsimile. Parties may access this filing through the Court's electronic filing system.
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12 Wayne R. Berry
13 Senior Trial Attorney
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